

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE

JACOB MORLEY,)
Plaintiff,)
v.)
MATT PATTERSON, JON DULA,)
MITZIA WADDILL, and ALEX)
STEWART,)
Defendants.)
No. 2:24-CV-035-TAV-JEM

MEMORANDUM OPINION AND ORDER

Plaintiff, an inmate in the Carter County Jail, has filed a pro se complaint for violation of 42 U.S.C. § 1983 alleging claims for failure to protect, excessive force, and denial of medical care [Doc. 2] and two motions for leave to proceed *in forma pauperis* [Docs. 1, 5].

As Plaintiff is unable to pay the filing fee in a lump sum, his first motion for leave to proceed *in forma pauperis* [Id.] is **GRANTED** and his second motion for leave to proceed *in forma pauperis* [Doc. 5] is **DENIED as moot**. Plaintiff is **ASSESSED** the civil filing fee of \$350.00. The custodian of Plaintiff's inmate trust account is **DIRECTED** to submit to the Clerk, U.S. District Court, 220 West Depot Street, Greeneville, Tennessee 37743, twenty percent (20%) of Plaintiff's preceding monthly income (or income credited to Plaintiff's trust account for the preceding month), but only when that income exceeds ten dollars (\$10.00), until the full filing fee of three hundred fifty dollars (\$350.00) as authorized under 28 U.S.C. § 1914(a) has been paid to the Clerk. 28 U.S.C. § 1915(b)(2). The Clerk is **DIRECTED** to send a copy of this order to the Court's financial deputy and the custodian of inmate trust

accounts at Plaintiff's current facility to ensure compliance with the Prison Litigation Reform Act requirements for payment of the filing fee.

The Clerk is **DIRECTED** to send Plaintiff a service packet (a blank summons and USM 285 form) for each Defendant. Plaintiff is **ORDERED** to complete the service packets and return them to the Clerk's Office within twenty-one (21) days of entry of this memorandum opinion and order. At that time, the summonses will be signed and sealed by the Clerk and forwarded to the United States Marshal for service pursuant to Federal Rule of Civil Procedure 4. Plaintiff is **NOTIFIED** that failure to timely return the completed service packets will result in dismissal of this action for want of prosecution and/or failure to follow a Court order. Defendants shall answer or otherwise respond to the complaint within twenty-one (21) days from the date of service. If a Defendant fails to timely respond to the complaint, it may result in entry of judgment by default against him or her.

Plaintiff is further **ORDERED** to immediately inform the Court and Defendants or their counsel of record of any address changes in writing. Pursuant to Local Rule 83.13, it is the duty of a pro se party to promptly notify the Clerk and the other parties to the proceedings of any change in his or her address, to monitor the progress of the case, and to prosecute or defend the action diligently. E.D. Tenn. L.R. 83.13. Failure to provide a correct address to this Court within fourteen days of any change in address will result in the dismissal of this action.

IT IS SO ORDERED.

s/ Thomas A. Varlan
UNITED STATES DISTRICT JUDGE